Writ Petition No. 872 (S/B) 2002

Smt. Nishi Sharma and others- …..Petitioners

Versus

Registrar Cooperative Societies, Uttaranchal
& Others- …..Respondents

Hon'ble M.M. Ghildiyal J.

By means of this writ petition, the petitioners have challenged order-dated 05.06.2002 and 10.06.2003 passed by Registrar Cooperative Societies, Uttaranchal reverting the petitioners in their former posts.

Heard Sri R.D. Khare learned Counsel for the petitioners, Sri R.P. Nautiyall learned Counsel for respondent No.2 and learned Standing Counsel.

Petitioner No. 1 was promoted by order-dated 27.03.2002 passed by the Registrar Cooperative Societies to the post from grade-III to grade-II. Similarly, petitioner No. 2 was promoted on 27.03.2002 from grade-II to grade-I and the petitioner No. 3 was promoted from grade-III to grade-II vide order dated 27.03.2002 by the Registrar Cooperative Societies, Uttaranchal. In pursuance to the promotion order, the petitioners have joined on their respective promoted posts.

Learned Standing Counsel was granted time to file counter affidavit but no counter affidavit has been filed.

From the order impugned it is clear that the order of promotion reverting the petitioners has also been passed by the Registrar without affording any opportunity of hearing to the petitioners. In pursuance to the order of promotion, the petitioners have joined their respective posts. The orders impugned have been passed arbitrarily and is not sustainable in eye of law.

For the reasons stated, the writ petition is allowed. The orders dated 05.06.2002 and 10.06.2002, annexure 6 & 7 to the writ petition, are quashed. No order as to costs.

(M.M. Ghildiyal J.)

June 10,2003:
NCM: